

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
RALEIGH DIVISION**

**IN RE:**

**THELMA DELOIS HOOKS,**

**CASE NO. 13-05757-8-SWH  
CHAPTER 13**

**DEBTOR**

**MOTION FOR TURNOVER AND FOR SANCTIONS, DAMAGES AND  
ATTORNEY FEES FOR VIOLATION OF THE AUTOMATIC STAY**

Now comes the debtor, by and through counsel, pursuant to Sections 362 and 542 of the Bankruptcy Code and moves for an order requiring Sauls Motor Company to turn over the debtor's vehicle and for sanctions, damages and attorneys fees for violating of the automatic stay . In support of this motion the debtor shows the court the following.

1. The debtor filed the above captioned case on September 12, 2013.
2. Pre-peitition Sauls Motor Company repossessed the debtor's 1985 Mercedes.
3. Said automobile is necessary to the successful completion of the debtor's plan.
4. The debtor's chapter 13 plan proposes to pay Sauls Motor Company the full value of the through her payments to the chapter 13 trustee.
5. The debtor has provided proof of insurance to Sauls Motor Company.
6. The debtor has made demand on Sauls Motor Company for the turnover of the vehicle and the vehicle has not been turned over. The failure of Sauls Motor Company to turnover the vehicle is a violation of the automatic stay and has resulted in damage to the debtor and has required the filing of the present Motion and Sauls Motor Company should be required to pay damages, sanctions and attorneys fees to the debtor and/or her attorney.

WHEREFORE, the debtor prays the Court as follows:

1. That the Court issue an Order directing the creditor, Sauls Motor Company, to immediately turn over to the debtor the ; and
2. Sanctions, damages and attorney fees be awarded to the debtor; and

3. For such other and further relief as the court deems just and proper.

Dated: 9/19/13

SASSER LAW FIRM

  
/s/ Travis Sasser

Travis Sasser, State Bar No. 26707  
2000 Regency Parkway, Suite 230  
Cary, N.C. 27518  
Tel: 919.319.7400  
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*Attorney for debtor*

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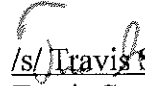
**NOTICE OF MOTION**

TAKE NOTICE that a Motion for Turnover and For Sanctions, Damages and Attorney Fees for Violation of the Automatic Stay, a copy of which is attached hereto, has been filed against you in the above stated Court.

TAKE NOTICE FURTHER that pursuant to the Local Rules of the United States Bankruptcy Court for the Eastern District of North Carolina, you have fourteen (14) days from the date of this Notice of Motion to file a responsive pleading to the attached Motion. You must file your response with the Clerk, United States Bankruptcy Court, Post Office Box 791, Raleigh, NC 27602 with a copy to the undersigned. Any such responsive pleading must contain a request for a hearing if, indeed, you wish to be heard by the Court. Unless a hearing is specifically requested in a responsive pleading, the attached Motion may be determined and final Orders entered by the court without a hearing.

Dated: 9/19/13

SASSER LAW FIRM

  
/s/ Travis Sasser

Travis Sasser, State Bar No. 26707  
2000 Regency Parkway, Suite 230  
Cary, N.C. 27518

Tel: 919.319.7400

Fax: 919.657.7400

tsasser@carybankruptcy.com

*Attorney for debtor*

**CERTIFICATE OF SERVICE**

I, Travis Sasser of Cary, NC, certify:

That I am, and at all times hereinafter mentioned, was, more than eighteen (18) years of age;

That on the date stated, I served copies of the Motion for Turnover and for Sanctions, Damages and Attorney fees for Violation of the Automatic Stay, postage prepaid, enclosed in an envelope which was properly addressed to the persons and entities listed below:

Chapter 13 Trustee  
*Served Electronically*

Sauls Motor Company  
Attn: Managing Agent  
304 Fareway Drive  
Smithfield, NC 27577

Sauls Motor Company  
1016 Moss Road  
Zebulon, NC 27597

Sauls Motor Company  
Via fax: 919.934.8227

I certify under penalty of perjury that the foregoing is true and correct.

Dated: 9/19/13

  
SASSER LAW FIRM

/s/ Travis Sasser

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